

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

LILLIAN VARGAS,

Plaintiff

v.

WALMART SUPERCENTER
STORES #4276,

Defendants

CIVIL ACTION – LAW

JUDGE: _____

NO.: _____

NOTICE OF REMOVAL

NOW COMES the Defendant to this matter, WALMART SUPERCENTER STORE #4276 (correctly, only, “WAL-MART STORES EAST, L.P.”), through counsel, Thomas, Thomas and Hafer, LLP, and hereby files this Notice of Removal based upon the following:

1. The above-described action was commenced by the Plaintiff filing a Complaint against the Defendant in the Court of Common Pleas for Lackawanna County, Pennsylvania on September 23, 2022. (A true and correct copy of the Complaint is appended hereto and incorporated by reference herein as Exhibit “A”.)
2. The Complaint was served upon the Defendant on September 23, 2022.
3. Plaintiff resides and is domiciled in Lackawanna County, Pennsylvania, having an address, upon information and belief, at 537 N. Washington Ave., Scranton, Pennsylvania, and is a citizen of the Commonwealth of Pennsylvania. See, Ex. A.

4. The proper Defendant, Walmart Stores East, L.P., is a foreign limited partnership formed in Delaware with a principal place of business in Bentonville, Arkansas. See, Ex. A.

5. The Partners of Wal-Mart Stores East, L.P., are WSE Management, LLC (general partner), and WSE Investment, LLC (limited partner). Both are Delaware limited liability companies with principal places of business in Arkansas. The sole member of WSE Management, LLC, and WSE Investment, LLC, is Wal-Mart Stores East, LLC, an Arkansas limited liability company with a principal place of business in Bentonville, Arkansas. The sole shareholder of Wal-Mart Stores East, LLC, is Walmart, Inc. (formerly known as Wal-Mart Stores, Inc.), a Delaware corporation with a principal place of business in Arkansas. Accordingly, no partner or controlling entity of the proper Defendant, Wal-Mart Stores East, L.P., is a citizen of or has a principal place of business in the Commonwealth of Pennsylvania.

6. A fair reading of the Complaint and the allegations of damages asserted therein establish that the amount in controversy in the underlying action is believed to exceed \$75,000, exclusive of interest and costs. See, Ex. A.

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C.A. §1332, and the case is removed to this Court pursuant to 28 U.S.C.A. §1441(b). This Notice is filed timely under 28 U.S.C.A. §1446(b), in that less than 30 days have

passed since Defendant was provided a copy of the initial pleading setting forth the Plaintiff's claim for relief.

8. Written notice of filing of this Notice of Removal shall be given to all parties as required by 28 U.S.C.A. §1446(b).

9. A true and correct copy of this Notice of Removal is being filed with the Clerk of Judicial Records in the Court of Common Pleas of Lackawanna County, Pennsylvania, as required by 28 U.S.C.A. §1446(d).

WHEREFORE, Defendant, WALMART SUPERCENTER STORE #4276 (correctly, only, "WAL-MART STORES EAST, L.P."), respectfully requests that this action be Removed to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

BY: *Ryan C. Blazure*

RYAN C. BLAZURE, ESQUIRE

PA Atty. ID No.: 84034

JOSEPH J. SHIELDS, ESQUIRE

PA Atty. ID No.: 31222

1065 Highway 315, Suite 403

Wilkes-Barre, PA 18702

P: (570) 820-0240 / F: (570) 825-5164

rblazure@tthlaw.com

dvols@tthlaw.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I, RYAN C. BLAZURE, ESQUIRE, hereby certify that on the 19th day of October 2022, I sent a true and correct copy of Defendants' Notice of Removal by electronic mail to:

Via Email: Tom@tommunleylaw.com
Thomas W. Munley, Esquire
Minora Krowiak Munley Batyko
700 Vine St.
Scranton, PA 18510

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

BY: *Ryan C. Blazure*

RYAN C. BLAZURE, ESQUIRE
PA Atty. ID No.: 84034
JOSEPH J. SHIELDS, ESQUIRE
PA Atty. ID No.: 312227

Attorneys for Defendant